ness is sickness within the meaning of the English Statute. *Regina* v. *Bucknell*, 77 E. C. L. 585. There are but few if any reported cases involving the question in this case. The holding goes pretty far and if it can be supported it must be on the grounds that the contract of insurance is construed most strongly against the insurer and that the defendant did business principally with railroad men.

INTOXICATING LIQUORS—STATUTE—CONSTRUCTION OF THE WORD "HOME."—Defendant stored two barrels of cider in an outhouse, situated at a distance of about eighty feet from the dwelling house in which there was no available space for storing the barrels. Molasses, apples, and other foods intended for the use of the family were also kept in this outhouse. Under the Mapp Prohibition Law, (ACTS, 1916, p. 216,) defendant was convicted for giving away cider taken from the barrels in the outhouse. Section 16 of the above law prohibited the giving away of ardent spirits in any place "except in a *bona fide* home"; section 61 provided that nothing in the law should prevent one "in his own home" from having and giving to another ardent spirits. The trial court refused to instruct the jury that the word "home" as used in the law was intended to include the curtilage, the whole cluster of buildings used by the family as a habitation. *Held*, the instruction should have been given. *Bare* v. *Commonwealth* (Va., 1917), 94 S. E. 168.

The construction of the statute adopted by the Supreme Court of Appeals seems in accord not only with the common understanding and acceptance of the term "home" as the place of residence rather than any particular building which may be at that spot, but also in accord with the construction of similar expressions as found in the common and statute law referring to arson, burglary and analogous crimes. For instance, in construing a statute prohibiting the carrying of weapons outside the "home", the court held that "home" included buildings necessarily appurtenant to the dwelling house. *Coker* v. *State*, 12 Ga. App. 425. An outhouse within the curtilage was considered a part of the "dwelling house" as regards the law of arson. *People* v. *Taylor*, 2 Mich. 250; *Page* v. *Commonwealth*, 26 Grat. (Va.) 943. An indictment for the burglary of a dwelling was sustained by proof of the breaking and entering of a barn eight rods in the rear of the house. *Pitcher* v. *People*, 16 Mich. 142. A game of cards played about ten feet from a tent used as private residence was played "at the residence" within the meaning of a statute prohibiting gaming at any place except at a private residence. *Hipp* v. *State*, 45 Tex. Cr. App. 200. The killing of a man in a building thirty-six feet from the accused's house was considered justified as in defense of his habitation. *Pond* v. *People*, 8 Mich. 150. See also 2 BISHOP, CRIMINAL LAW, Ed. 7, § 104.

LIBEL AND SLANDER—PRIVILEGED COMMUNICATIONS.—While the defendant was presenting a claim against the plaintiff in the regular course of business, he was shown the books of the company. He communicated the information thus obtained to a credit company of which he was correspondent along with his opinion that concerted action by the creditors was necessary. The infor-

mation, which was slightly incorrect, was sent to the plaintiff's creditors. They stopped credit, thereby causing the plaintiff inconvenience, but he was not insolvent and did not become so. *Held,* that the communication was privileged. *Simons* v. *Petersberger* (Ia., 1917), 165 N. W. 91.

The general rule was followed in considering the communication "qualifiedly privileged", thus making proof of the defendant's bad faith requisite to the plaintiff's success. *Bohlinger* v. *Germania Life Ins. Co.,* 100 Ark. 477, 36 L. R. A. (N. S.) 449. Defendant, though his communication was not an answer to an inquiry, had at least a duty of imperfect obligation in regard to the matter. *Caldwell* v. *Story,* 107 Ky. 10. The information seems, also, to have reached only interested subscribers thus avoiding cases where the information reached outsiders or was sent to all the subscribers irrespective of interest. *Pacific Packing Co.* v. *Bradstreet Co.,* 25 Idaho 696, Ann. Cas. 1916 D, 761. To reach its conclusion, the distinction between information furnished a credit company by its agent and information furnished by it to its members had to be ignored. *Sherwood* v. *Gilbert,* 2 Alb. L. J. 323. *Contra*: *State ex rel. Lanning* v. *Lonsdale,* 48 Wis. 348. Even then, the result is in conflict with several cases holding that such communications though given after a special request are not privileged. *Macintosh* v. *Dun* (1908), A. C. 390; *Johnson* v. *Bradstreet Co.,* 77 Ga. 172.

MASTER AND SERVANT — LIABILITY FOR NEGLIGENCE — HEAD OF FAMILY'S AUTOMOBILE OPERATED BY MEMBER OF FAMILY. — Defendant purchased and owned an automobile for family use, giving his wife general permission to use it whenever and wherever she desired. While the wife was driving the machine for her own pleasure, accompanied by a lady friend, it collided with a motorcycle on which the plaintiff was riding, injuring the latter. *Held,* that the defendant husband was liable for his wife's alleged negligence, on the ground that she was his agent. *Hutchins* v. *Haffner* (Colo., 1917), 167 Pac. 966. Defendant purchased and owned an automobile for family use, giving his daughter, a minor, permission to use it. While the daughter was driving the machine for her own pleasure, accompanied by a friend, it struck and injured the plaintiff. *Held,* that the defendant father was not liable for his daughter's alleged negligence, she not being his agent. *Blair* v. *Broadwater* (Va., 1917), 93 S. E. 632.

The decisions bearing upon the liability of an owner of an automobile, kept for family use, for the negligence of a member of his family, in driving the machine with his consent, are squarely in conflict, as illustrated by the principal cases. Cases following the doctrine of *Hutchins* v. *Haffner, supra,* are: *Birch* v. *Abercombie,* 74 Wash. 486; *McNeal* v. *McKain,* 33 Okla. 449; *Guignon* v. *Campbell,* 80 Wash. 543; *Griffin* v. *Russell,* 144 Ga. 275. Cases following the doctrine of *Blair* v. *Broadwater, supra,* are: *Doran* v. *Thomsen,* 76 N. J. L. 754; *Tanzer* v. *Read,* 145 N. Y. Supp. 708; *Parker* v. *Wilson,* 179 Ala. 361; *Van Blaricom* v. *Dodgson,* 220 N. Y. 111. Where one person is sought to be charged with the negligence or wrongdoing of another, the doctrine of *respondeat superior* applies only when the relation of master and servant is shown to exist between the wrongdoer and the person sought